



Decision and SMP Obligations – Wholesale Fixed Markets

Decision Notice No. 04/08

11th August 2008

Gibraltar Regulatory Authority

Suite 603, Europort

Gibraltar

Telephone +350 20074636 Fax +350 20072166

Web:<http://www.gra.gi>

CONTENTS

Executive Summary	1
1. Background to the Review	3
1.1 Introduction	3
1.2 Market review methodology	3
1.3 Procedure	5
1.4 Call origination on the public telephone network at a fixed location	5
1.5 Call termination on individual public telephone networks at a fixed location	6
1.6 Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location	7
1.7 Wholesale broadband access.....	7
1.8 Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity	8
1.9 Structure of this document.....	8
2. Designation of undertakings with SMP	9
3. SMP Obligations.....	10
3.1 Call origination on the public telephone network at a fixed location in Gibraltar	10
3.2 Call termination on individual public telephone networks at a fixed location in Gibraltar.....	11
3.3 Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location in Gibraltar	12
3.4 Wholesale broadband access.....	13
3.5 Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity	15

Executive Summary

The communications regulatory framework¹ requires the Gibraltar Regulatory Authority (“the Authority”) to define relevant markets appropriate to national circumstances and to analyse these markets to ensure that regulation remains appropriate in the light of changing market conditions, otherwise known as market reviews.

On 10th April 2007, the Authority issued a national consultation on its market analysis for wholesale fixed markets (Public Consultation No. 02/07).

Having considered the views of all respondents to the Public Consultation (“the Consultation”), the Authority set out in a Statement (Document No. 14/07) its conclusions regarding the market analysis process including its Significant Market Power (SMP) obligations and subsequent notification to the European Commission and other NRAs in accordance with article 7 of the Framework Directive.²

This decision deals with five markets defined as follows:

1. Call origination on the public telephone network at a fixed location
2. Call termination on individual public telephone networks provided at a fixed location
3. Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location
4. Wholesale broadband access
5. Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity

The Authority shall designate Gibtelecom as having SMP in the following wholesale fixed markets:

1. Call origination on the public telephone network at a fixed location in Gibraltar;
2. Call termination on individual public telephone networks provided at a fixed location in Gibraltar;
3. Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location in Gibraltar;
4. Wholesale broadband access; and

¹ Communications Act 2006, Act No. 15, 2006 (“the Act”).

² DIRECTIVE 2002/21/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) OJ [2002] L 108/33.

5. Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity.

The Authority shall apply obligations on Gibtelecom in the relevant markets in which it has been designated as having SMP.

This decision specifies the obligations to apply to SMP designated operators in the relevant markets.

1. Background to the Review

1.1 Introduction

The European regulatory framework for electronic communications networks and services entered into force on 25th July 2003 in the European Union. The framework is designed to create harmonised regulation across Europe and is aimed at reducing entry barriers and fostering prospects for effective competition to the benefit of consumers. The legal basis for the regulatory framework is set out in five key Directives:

1. Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (the Framework Directive)³
2. Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities (the Access Directive)⁴
3. Directive 2002/20/EC on the authorisation of electronic communications networks and services (the Authorisation Directive)⁵
4. Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (the Universal Service Directive)⁶
5. Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (the Privacy Directive)⁷.

The above Directives were implemented as part of the Act and accompanying Regulations. The legislation enables the Authority to carry out reviews of competition in relevant electronic communications markets to ensure that regulation remains appropriate in the light of changing market conditions, otherwise known as market reviews.

1.2 Market review methodology

In conducting a market review the Authority must take account of the SMP procedures in the Act, sections 38-41, as well as the provisions dealing with co-

3 See footnote 2 above.

4 DIRECTIVE 2002/19/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) OJ [2002] L 108/7.

5 DIRECTIVE 2002/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) OJ [2002] L 108/21.

6 DIRECTIVE 2002/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) OJ [2002] L 108/51.

7 DIRECTIVE 2002/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ [2002] L 201/37.

operation with the European Commission and the national regulatory authorities in the Member States, sections 22-24.

Section 39 of the Act requires the Authority to take due account of all applicable guidelines and recommendations which have been issued or made by the European Commission in pursuance of the provisions of a European Community instrument.

Once the Authority has defined relevant markets for the purposes of ex ante regulation, it shall analyse the state of competition within these markets to determine whether they are effectively competitive or not. Where markets are deemed to be effectively competitive or prospectively effectively competitive within the lifetime of the review, any existing regulation must be withdrawn. Where markets are deemed to be uncompetitive, the GRA must consider appropriate regulatory obligations on any undertaking which has SMP.

The main purpose of a market review is to identify the competitive conditions prevailing in a market by assessing systematically the competitive constraints which are faced by undertakings in the market. A market review commences by defining a market, which is then analysed to assess the degree of effective competition in that market.

In accordance with European Commission Guidelines⁸ (the Guidelines), the market analysis procedure is prospective – that is, it must be forward-looking.

The market review comprised three main components:

1. Definition of the relevant markets
2. Assessment of competition in each relevant market, in order to identify competitive constraints and assess whether any undertaking has SMP
3. Where market power is identified, consideration of the appropriate SMP obligations in relation to that market.

The Authority took account of the approach recommended by the European Commission, and also took into account the various guidelines and recommendations published by the European Commission, as well as the experience of other European NRAs.

When the review was undertaken the Authority took account of the Commission's Recommendation (first edition) in which it identified a set of product and service markets which may be susceptible to ex ante regulation.⁹ Following the publication of the response to consultation, the Commission has adopted a revised

8 Commission Guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services (2002/C 165/03) OJ [2002] C 165/6.

9 COMMISSION RECOMMENDATION of 11/02/2003 On Relevant Product and Service Markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services, Brussels, 11/02/2003 C(2003)497.

Recommendation (second edition) on markets susceptible to ex ante regulation.¹⁰ The markets identified by the Commission in the second edition differ from the first edition in that there has been a modification of the description of the unbundled access market, now Market 4 (formerly Market 11).

With respect to wholesale broadband access (Market 5), the Authority first analysed the market for local loop unbundling. Regulation in that market was taken into account before the market for wholesale broadband access was analysed. The Authority also took into account regulation imposed on the market for wholesale (physical) network infrastructure access when analysing the wholesale market for fixed origination (Market 2).

1.3 Procedure

The Authority collected market data from the various providers of electronic communications networks and services in order to carry out its market definition and market analysis, based on established economic and legal principles, and taking the utmost account of the Recommendation and the Guidelines.

The market review drew on a wide range of data and information to reach its conclusions. The Authority utilised data supplied by industry and also referred to comparative data from other jurisdictions.

On 10th April 2007, the Authority issued a national consultation on its market analysis for wholesale fixed markets (Public Consultation No. 02/07). Having considered the views of all respondents, the Authority published a response to consultation and in accordance with Article 7(3) of Directive 2002/21/EC (the Framework Directive) notified the European Commission (the Commission) on 31st October 2007 (Document No. 14/07). The response to consultation set out the Authority's conclusions regarding SMP designations and SMP obligations.

The Commission published its comments on the response to consultation in three letters pursuant to Article 7(3) of Directive 2002/21/EC on cases GI/2007/0716-0721 on 30th November 2007.¹¹

In accordance with Section 22 of the Act the Authority has taken the utmost regard of these comments in this decision.

1.4 Call origination on the public telephone network at a fixed location

Call origination is an interconnection facility needed to originate a call. There is currently no wholesale interconnection product available in Gibraltar, although work is in progress with regard to carrier pre-selection. There is no local loop unbundling

10 COMMISSION RECOMMENDATION of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

¹¹ SG-Greffe (2007) D/207373, SG-Greffe (2007) D/207374, SG-Greffe (2007) D/207383 of 30th November 2007 available at http://circa.europa.eu/Public/irc/infso/ecctf/library?l=/gibraltar_gi/registered_notifications&vm=detailed&sb=Date_d

in Gibraltar at present, although this will change in the near future. Notwithstanding, a local loop unbundling requirement would entail considerable time and investments, a large proportion of which are sunk. Gibtelecom would continue to enjoy, as regards the local access network, absolute cost advantages due to economies of scale and density. The market for fixed call origination consequently continues to exhibit high and non-transitory barriers to entry. All of the call origination activity in the market in Gibraltar is self-supplied by Gibtelecom, where wholesale call origination is used to enable the closely related downstream retail fixed calls services.

In the market identified by the Authority it was calculated that Gibtelecom had a 100% share – as this network was the only network providing service at a wholesale level (via self-supply). The Authority assessed prospective competition (e.g. local loop unbundling) and other factors which may qualify Gibtelecom's ability to price independently of any competitors. The Authority's view is that Gibtelecom will remain dominant in this market for the lifetime of this review.

The Authority therefore designates Gibtelecom as having SMP in the call origination on the public telephone network at a fixed location and in the territory of Gibraltar.

The following obligations will apply to SMP operators in this market:

- Obligation of transparency
- Obligation of non-discrimination
- Obligation of accounting separation
- Price control and cost accounting obligations

1.5 Call termination on individual public telephone networks at a fixed location

Call termination is an interconnection facility needed to terminate a call on an individual network. All of the call termination activity in the market in Gibraltar is self-supplied by Gibtelecom, where wholesale call termination is used to enable the closely related downstream retail fixed calls services. Countervailing buyer power is currently not an issue in Gibraltar.

In accordance with the one network, one market principle,¹² the Authority designates Gibtelecom as having SMP in the call termination market on the individual (Gibtelecom) public telephone network and the geographical extent of the market is the territory of Gibraltar.

The following obligations will apply to SMP operators in this market:

- Obligation of transparency
- Obligation of non-discrimination
- Obligation of accounting separation

¹² See page 8, "On market reviews under the EU Regulatory Framework: Consolidating the internal market for electronic communications", SEC(2006) 86, COM(2006) 28 Final, 6 February 2006.

- Price control and cost accounting obligations

1.6 Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location

The Authority notes that the publication of the second edition of the recommendation has resulted in the relevant market for unbundled access (shared or fully), the emphasis is on “wholesale (physical) network infrastructure”. By this is meant access to elements such as the copper loop by, for example, installing a DSLAM (digital subscriber line access multiplexer) in a local exchange. The emphasis on physical access in the current relevant market recommendation does not materially impact the Authority’s findings.

Gibtelecom has 100% of the potential market for the supply of wholesale unbundled access. The Authority assessed prospective competition and factors which may qualify Gibtelecom’s ability to price independently of any competitors. Gibtelecom will remain dominant in this market for the lifetime of this review.

The Authority therefore designates Gibtelecom as having SMP in the wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location in the territory of Gibraltar.

The following obligations will apply to SMP operators in this market:

- Obligation of transparency
- Obligation of non-discrimination
- Obligation of accounting separation
- Access obligations
- Price control and cost accounting obligations

1.7 Wholesale broadband access

Wholesale broadband access products are wholesale products bought and sold by electronic communications operators (not by end-users) in order to offer DSL services. Gibtelecom has 100% share of this potential market.

The Authority therefore designates Gibtelecom as having SMP in the wholesale broadband access market at a fixed location in the territory of Gibraltar.

The following obligations will apply to SMP operators in this market:

- Obligation of transparency
- Obligation of non-discrimination
- Obligation of accounting separation
- Access obligations

- Price control and cost accounting obligations

1.8 Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity

At present there are no merchant transactions on this market in Gibraltar. In the linked retail market, customers can buy leased lines from Gibtelecom. It is also possible to connect to Sapphire Networks by a direct ethernet connection, which offers very similar functionality to a leased line. Gibtelecom has 87% of the retail market for dedicated connections and capacity. The Authority notes, however, that capacity constraints on Sapphire mean that Gibtelecom has 100% of the potential market for wholesale dedicated capacity and connections.

The Authority therefore designates Gibtelecom as having SMP in the wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity in the territory of Gibraltar.

The following obligations will apply to SMP operators in this market:

- Obligation of transparency
- Obligation of non-discrimination
- Obligation of accounting separation
- Access obligations
- Price control and cost accounting obligations

1.9 Structure of this document

The rest of the decision is structured as follows:

Chapter 2 provides for the designation of SMP on specific undertakings.

Chapter 3 specifies the obligations applicable to the SMP designated operators in the relevant markets.

2. Designation of undertakings with SMP

In accordance with the Access Regulations:

- Gibtelecom is designated as having SMP in the market for call origination on the public telephone network at a fixed location in Gibraltar;
- Gibtelecom is designated as having SMP in the market for call termination on individual public telephone networks at a fixed location in Gibraltar;
- Gibtelecom is designated as having SMP in the market for wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location in Gibraltar;
- Gibtelecom is designated as having SMP in the market for wholesale broadband access; and
- Gibtelecom is designated as having SMP in the market for wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity.

A reference in this section to any given undertaking shall be taken to include any, and all undertakings which are affiliated with, or controlled by, the undertaking in question.

3. SMP Obligations

The Authority's Statement "Accounting separation, cost orientation, cost accounting methods and compliance under SMP obligations" Document No. 07/08 should also be read in conjunction with the SMP obligations below.

3.1 Call origination on the public telephone network at a fixed location in Gibraltar

Transparency

1. Gibtelecom shall make available call origination services and make public the terms and conditions in a Reference Interconnection Offer (RIO).
2. The terms and conditions applicable to call origination services may be subject to amendment and/or direction by the Authority.
3. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
4. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
5. Gibtelecom shall publish changes to terms and conditions (excluding prices decreases) at least 30 days in advance of implementation.
6. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
7. Publication shall include a prominent notice on the company's website.

Non-Discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Accounting separation

1. Gibtelecom shall account separately for its wholesale call origination services.

Price control and cost accounting obligations

1. Gibtelecom shall ensure that its prices are cost oriented.
2. Gibtelecom shall charge as a cost on its profit and loss accounts a fee not exceeding 1.8 pence per minute plus 10%, as a contribution to other costs incurred on the fixed network, on average for calls destined to terminate on an authorised national mobile network in Gibraltar. The average shall be calculated using weights based on revenues.
3. Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

3.2 Call termination on individual public telephone networks at a fixed location in Gibraltar

Transparency

1. Gibtelecom shall make available call termination services and make public the terms and conditions in a Reference Interconnection Offer (RIO).
2. The terms and conditions applicable to call termination services may be subject to amendment and/or direction by the Authority.
3. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
4. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
5. Gibtelecom shall publish changes to terms and conditions (excluding prices decreases) at least 30 days in advance of implementation.
6. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
7. Publication shall include a prominent notice on the company's website.

Non-Discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Accounting separation

1. Gibtelecom shall account separately for its wholesale call termination services.

Price control and cost accounting obligations

1. Gibtelecom shall ensure that its prices are cost oriented.
2. Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

3.3 Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location in Gibraltar

Transparency

1. Gibtelecom shall make available unbundled services and make public the terms and conditions in a Reference Unbundling Offer (RUO) by 1 January 2009.
2. The RUO shall describe relevant offerings and their associated terms and conditions, including prices, as specified in Regulation 10(7).
3. The terms and conditions applicable to unbundled services in the RUO may be subject to amendment and/or direction by the Authority.
4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.

Non-Discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.

3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Accounting separation

1. Gibtelecom shall account separately for its unbundling services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above, using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale (physical) network infrastructure access (including shared or fully unbundled access), the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price control and cost accounting obligations

1. Gibtelecom shall ensure that its prices are cost oriented.
2. Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

3.4 Wholesale broadband access

Transparency

1. If by 31 December 2009 other authorised network operators have not purchased products off the Reference Unbundling Offer (RUO), Gibtelecom shall make available in response to a reasonable request or requests thereafter, wholesale broadband access services in the form of a Reference Wholesale Broadband Access Offer (RWBAO) within 60 days of any such reasonable request or requests being made.
2. The RWBAO shall describe relevant offerings and their associated terms and conditions, including prices.

3. The terms and conditions applicable to wholesale broadband services in the RWBAO may be subject to amendment and/or direction by the Authority.
4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.
9. If one or more authorised operators have purchased products off the Gibtelecom RUO on or before 31 December 2009, 1-8 of section 3.4 above shall not apply.

Non-Discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.
3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Accounting separation

1. Gibtelecom shall account separately for its wholesale broadband services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale broadband access services, the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1)

“Obligations of access to and use of specific network facilities” of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price control and cost accounting obligations

1. Gibtelecom shall ensure that its prices are cost oriented.
2. Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.

3.5 Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity

Transparency

1. Gibtelecom shall make public in response to a reasonable request or requests for wholesale terminating segments of leased lines a Reference Leased Lines Offer (RLLO) within 60 days of any such reasonable request or requests being made.
2. The RLLO shall describe relevant offerings and their associated terms and conditions, including prices.
3. The terms and conditions applicable to wholesale broadband services in the RLLO may be subject to amendment and/or direction by the Authority.
4. Gibtelecom shall notify the Authority at least 60 days in advance of changes to terms and conditions (excluding price decreases).
5. Gibtelecom shall notify the Authority at least 30 days in advance for price reductions.
6. Gibtelecom shall publish changes to terms and conditions (excluding price decreases) at least 30 days in advance of implementation.
7. Gibtelecom shall provide at least 14 days notice to publish a decrease in prices.
8. Publication shall include a prominent notice on the company's website.

Non-Discrimination

1. Gibtelecom shall not unduly discriminate between customers.
2. Gibtelecom shall apply equivalent conditions in equivalent circumstances to other authorised operators providing equivalent services.

3. Gibtelecom shall provide services and information to other authorised operators under the same conditions and of the same quality as it provides for its own services.

Accounting separation

1. Gibtelecom shall account separately for its wholesale leased lines services.

Access

1. Gibtelecom shall meet reasonable requests for access to, and use of, specific network elements and associated facilities as described in Regulation 13.
2. Gibtelecom shall meet access requests made under 1 above using terms which are fair and processes which are timely.
3. In the event of a dispute between an entity and Gibtelecom regarding the reasonableness of the entity's request for access to wholesale terminating segments of leased lines, the Authority shall intervene if either party writes to the Authority seeking intervention. The Authority shall determine whether the request is reasonable within a period of 60 days following receipt of a written request for intervention. The Authority shall be guided by Regulation 13(1) "Obligations of access to and use of specific network facilities" of the Communications (Access) Regulations 2006 when assessing whether an access request is reasonable.

Price control and cost accounting obligations

1. Gibtelecom shall ensure that its prices are cost oriented.
2. Gibtelecom shall maintain cost accounting systems which produce appropriate information to demonstrate compliance with cost-orientation.